

1 KIRBY AND HALLEN
2 A Partnership Including
3 A Professional Corporation
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8 Attorneys for Plaintiff
9 McGregor Sea & Air Services (America) Inc.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

11 MCGREGOR SEA & AIR SERVICES)
12 (AMERICA) INC., A Delaware)
13 Corporation,)

13 Plaintiff,)

14 vs.)

15 CINEMATRONICS, INCORPORATED, A)
16 California Corporation,)

17 Defendant.)
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CASE NO. 491474

COMPLAINT FOR DAMAGES

BREACH OF CONTRACT/
ACCOUNT STATED/
REASONABLE VALUE
(Civil Code §3300)

18 Plaintiff alleges as follows:

19 FIRST CAUSE OF ACTION

20 Breach of Contract

21 1. McGregor Sea & Air Services (America) Inc. ("MSAS") is
22 now and at all times mentioned herein was a corporation, duly
23 organized and existing under and by virtue of the laws of the
24 State of Delaware, and authorized to do, and engaged in doing,
25 business in the State of California.

26 2. Plaintiff is an international freight forwarder and
27 licensed custom broker, licensed by the United States Department
28 of Treasury.

1 (2) Consumption Entry forms submitted to the United States
2 Customs Service by MSAS for Cinematronics;

3 (3) Air Waybills covering each of the shipment trans-
4 actions;

5 (4) Our checks made payable to the airfreight carriers and
6 to United States Customs Service covering each shipment trans-
7 action; and

8 (5) The invoices prepared by the Japanese manufacturers
9 with respect to each transaction, which invoices were used in
10 the preparation of the consumption entry forms above referenced.

11 The sources of information and method and time of prepara-
12 tion of each of the documents which I examined are such as to
13 indicate to me, in my capacity as Senior Vice President of MSAS,
14 that the information contained was extremely trustworthy.

15 I have read the foregoing Complaint; I am informed and
16 believe that the matters in it are true and on that ground
17 allege that the matters stated in the Complaint are true.

18 I declare under penalty of perjury that the foregoing is
19 true and correct, and that this declaration was executed on

20 Sept 1, 1982, 1982, at San Diego, California.

21 MCGREGOR SEA & AIR SERVICES
22 (AMERICA) INC., A Delaware Corporation

23 By: James P. Cesped
24 JAMES P. CESPED
25 Senior Vice President
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